

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 22, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05043

PROPOSAL: From R-4, Residential to R-T, Residential Transition

LOCATION: Southwest of the intersection of S. 37th St. and "O" St.

LAND AREA: 0.563 acres, more or less

CONCLUSION: Not in conformance with the Comprehensive Plan.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 18 & 19, Block 9, Young's Hyland Park, located in the NE 1/4 of Section 30-10-07, Lancaster County, NE

EXISTING ZONING: R-4, Residential

EXISTING LAND USE: Single-family residential

SURROUNDING LAND USE AND ZONING:

North:	B-1 Local Business	Office building
South:	R-4 Residential	Single-family
East:	R-4 Residential	Single-family
West:	R-4 Residential	Single-family

ASSOCIATED APPLICATIONS: Use Permit #05005

HISTORY:

January 22, 2003 Special Permit #1997 to operate an early childhood care facility on a portion of Lots 18 and 19, Block 9, Young's Hyland Park Addition was denied by the Planning Commission.

January 22, 2003 Alleyvacation#02020 to vacate the east 115' of the east-west alley from 35th St. to 37th St. was denied by the Planning Commission.

- October 3, 1990 Use Permit #51 for a 4,725 sq. ft. office building in an R-T District at S. 56th St. & “N” St. was approved by the Planning Commission.
- January 22, 1990 Change of Zone #2510 from R-2 to R-T at S. 56th St. and “N” St. was approved by the City Council.
- February 1970 Special Permit #489 for a parking lot in a residential zone on a portion of Lot 19, Block 9, Young’s Hyland Park Addition was approved by the City Council.
- October 13, 1969 Special Permit #480 for a parking lot in a residential district on a portion of Lots 9, 10 and 11, Block 2 Young’s Hyland Park Addition was approved by the City Council.

This area was zoned B-Two-family dwelling prior to the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

“The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln’s great strengths and their conservation is fundamental to this plan. The health of Lincoln’s varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community’s established neighborhoods.” (F-15)

“Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units in new neighborhoods.” (F-17)

“Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood.” (F-18)

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.” (F-18)

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.” (F-18)

The Land Use Plan shows this area as urban residential. (F-25)

“The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

“Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.” (F-49)

“The priority in older areas should be on retaining areas for residential development. (F-49)

“Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (F-65)

“Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.” (F-68)

“Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past.” (F-68)

Guiding Principles for Existing Neighborhoods include: (F-69)

1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face.
2. Require new development to be compatible with character of neighborhood and adjacent uses.
3. Encourage retention of single family uses in order to maintain mix of housing.

UTILITIES: This area is served with all utilities.

TRAFFIC ANALYSIS: S. 37th St. is a local street.

AESTHETIC CONSIDERATIONS: A 5,000 square foot building will be out of character with the existing houses. The surrounding houses are less than 1,000 sq. ft. in size.

ALTERNATIVE USES: Alternative uses include leaving the two houses, replacing the houses with new single family houses or constructing a duplex on each lot.

ANALYSIS:

1. This application request is for a change of zone from R-4, Residential to R-T, Residential Transition on two lots. Associated with this request is Use Permit #05005

to construct a 5,000 sq. ft. office/medical building. This request is not in conformance with the Comprehensive Plan.

2. Section 27.28.020(a) of the zoning ordinance states:
An R-T Residential Transition designation may be granted to any property abutting upon, or directly across a street from and fronting the same street as property zoned B-1, B-2, B-3, H-2, H-3, H-4, I-1, and I-2. Each building to be located within a Residential Transition District shall have:
 - (1) A two and one-half inch in twelve inch pitched roof or steeper;
 - (2) A nonreflective exterior siding material which is or simulates wood, stucco, brick, or stone;
 - (3) A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (4) No air conditioners on the roof.

The area within the requested change of zone abuts a B-1 District.

3. The area of application is served by a local street. An R-T district allows uses ranging from office buildings to financial institutions to early childhood care facilities. A local street is not designed for commercial traffic. All of the R-T districts, except one, either take access to or abut an arterial street. The increased traffic caused by changing the land use from residential to commercial should not intrude into the neighborhood.
4. The R-T district is intended to be used as a transition from commercial to residential. The alley at this location serves as a buffer between the commercial building to the north and the houses to the south.
5. The R-T district allows a building to be a maximum of 5,000 sq. ft. The surrounding houses are all less than 1,000 sq. ft. A 5,000 sq. ft. building would be out of character with the neighborhood.
6. The R-T district would be an encroachment into the existing residential neighborhood. The Comprehensive Plan promotes the preservation of neighborhoods, especially in low and moderate income neighborhoods.
7. The applicant's letter states that nine multi-family units could be built on the site of the two existing homes. This is in error. Under the R-4 zoning district, the maximum dwelling units would be two on each lot.
8. The applicant's letter states that both houses are in serious need of repair. The removal of houses in need of repair is not a reason to change the zoning from residential to commercial. The existing houses serve a need for low to moderate

priced housing. If it is not financially sound to improve the existing homes, they could be replaced with duplexes or single family houses.

9. If this change of zone request is approved, it could lead to other property owners south of the B-1 district along "O" St. to ask for R-T zoning providing more commercial intrusion into the neighborhood.

Prepared by:

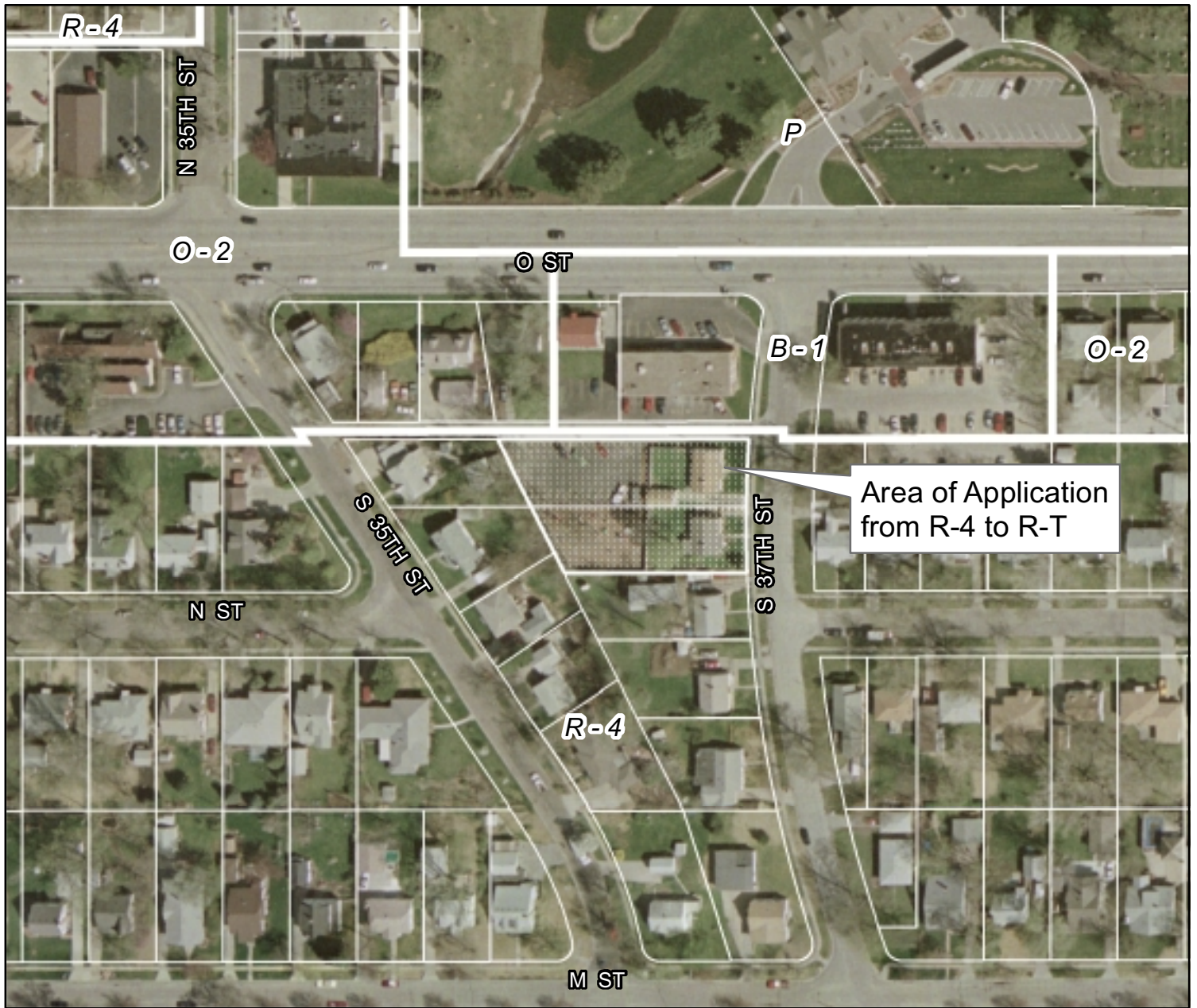
Tom Cajka
Planner

DATE: June 6, 2005

APPLICANT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite "C"
Lincoln, NE 68512
(402) 434-2424

OWNER: Gregg & Cindy Trautman
8001 Brookfield Dr.
Lincoln, NE 68506
(402) 488-3971

CONTACT: same as applicant



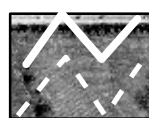
2002 aerial

Change of Zone #05043 S. 37th & 'O' St.

Zoning:

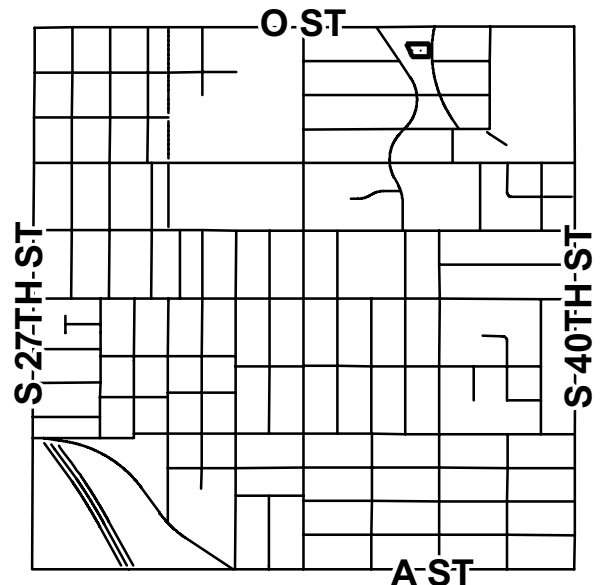
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

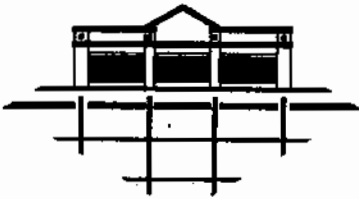
One Square Mile
Sec. 30 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

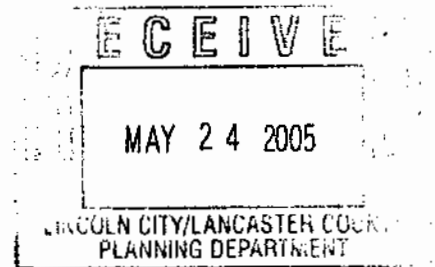




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 24, 2005

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: TRAUTMAN OFFICE PROJECT- 37th and 'O' STREETS
CHANGE OF ZONE FROM 'R-4' TO 'R-T' W/ USE PERMIT

Dear Marvin,

On behalf of Gregg and Cindy Trautman, I am submitting the above mentioned zoning applications for your review.

The Trautman's recently purchased the office building on the southwest corner of south 37th and 'O' Streets and the two existing single family residences to the south. Both houses are in serious need of repair.

Gregg had asked me what could be built on the site. After reviewing the zoning ordinance, it was determined that 9 multi-family dwelling units could be built on the site of the two existing homes. After recent controversy in the Witherbee Neighborhood over multi-family projects, it was decided not to pursue that idea.

After looking at the zoning pattern of the existing land uses, I discovered that the office building to the north was zoned 'B-1'. 'R-T' zoning is permitted adjacent to and across from existing 'B-1' zoning.

After discussing the idea, we prepared a preliminary site plan and presented it to the Witherbee Neighborhood Association. They were excited about the project. They asked us to address parking lot lighting, and finding additional on site parking.

After reviewing an as built survey, we made a few changes to the site plan and incorporated their concerns as well. We presented the revised plan to the Neighborhood Association again. It was well received again. After further discussions with Fred Freytag, the President of the Witherbee Neighborhood Association, he agreed to make a formal request for a motion to support the Trautman Office Project as submitted to them.

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They will be having another association meeting the first week of June. We will submit the letter of support at that time.

Therefore we submit the applications for a change of zone and the associated use permit for your review. The site contains a 5,000 square foot office/ medical building with a total of 28 parking stalls. Three of the new stalls will be for the existing office building to the north, to meet the parking requirements for that building.

No waivers are requested at this time. We will be meeting all of the conditions as outlined in the zoning ordinance in regards to building materials, roof pitch, lighting, mechanical equipment locations, etc.

Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Gregg and Cindy Trautman
Fred Freytag- Witherbee Neighborhood Association

Enclosures: 24 copies of sheet 1 of 3
8 copies of sheet 2 and 3 of 3
Application for a Change of Zone
Application for a Use Permit
Certificate of Ownership
Application Fees
8-1/2" x 11" reductions of the plans